

SRI LANKA (Tier 2 Watch List)

Sri Lanka is primarily a source and, to a much lesser extent, a destination for men and women trafficking for the purposes of forced labor and commercial sexual exploitation. Sri Lankan men and women migrate willingly to Kuwait, Jordan, Saudi Arabia, Qatar, Lebanon, the United Arab Emirates, Oman, Bahrain, and Singapore to work as construction workers, domestic servants, or garment factory workers. Some of these workers find themselves in situations of involuntary servitude when faced with restrictions on movement, withholding of passports, threats, physical or sexual abuse, and debt bondage that is, in some instances, facilitated by large pre-departure fees imposed by labor recruitment agencies and their unlicensed sub-agents. Children are trafficked within the country for commercial sexual exploitation and, very infrequently, for forced labor. The designated Foreign Terrorist Organization, Liberation Tigers of Tamil Eelam (LTTE) continued to recruit, sometimes forcibly, children for use as soldiers in areas outside of the Sri Lankan government's control. Government security forces may be complicit in letting a breakaway LTTE faction that has aligned itself with the government, to unlawfully recruit child soldiers, sometimes with force. A small number of women from Thailand, China, and Russia, and other countries of the former Soviet Union may be trafficked into Sri Lanka for commercial sexual exploitation.

Sri Lanka does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these overall efforts, the government has not shown evidence of progress in convicting and punishing trafficking offenders; therefore, Sri Lanka is placed on Tier 2 Watch List. While the Sri Lankan government did not achieve any convictions of trafficking offenders, it arrested 29 alleged traffickers and started prosecutions against ten people for trafficking-related offenses, an increase from the previous year when no one was arrested or prosecuted for trafficking-related crimes. It also drafted a national policy on migration that promises to prevent the trafficking of Sri Lankan migrants and it developed a national anti-trafficking task force that should become operational in the coming year.

Recommendations for Sri Lanka: Vigorously investigate and prosecute suspected trafficking offenses and convict and punish trafficking offenders, particularly those responsible for recruiting victims with fraudulent offers of employment and excessive commission fees; follow through with the creation of the national anti-trafficking task force; develop and implement through training of law enforcement personnel formal victim referral procedures; and ensure that victims of trafficking found within Sri Lanka are not detained or otherwise penalized for unlawful acts committed as a direct result of their being trafficked.

Prosecution

Although the Government of Sri Lanka made strides in arrests and prosecutions of alleged traffickers, it did not demonstrate adequate law enforcement efforts in addressing human trafficking cases over the reporting period. Sri Lanka prohibits all forms of trafficking through an April 2006 amendment to its penal code, which prescribes punishments of up to 20 years, imprisonment; these penalties are sufficiently stringent and commensurate with those prescribed for other grave offenses, such as rape. While the government conducted over 400 raids of

fraudulent foreign recruiting agencies and took legal action against 80 of them (which resulted in their licenses being suspended and the initiation of two prosecutions) the majority had not yet been prosecuted criminally for trafficking-related offenses. The government canceled the licenses of 32 agencies and imposed fines on them. The police made 29 arrests of suspected trafficking offenders under the 2006 anti-trafficking statute. In addition, the Attorney General's Department has started prosecutions against 12 people for trafficking-related offenses. There were no reported trafficking convictions during the reporting period.

The Sri Lankan Bureau of Foreign Employment (SLBFE), which is responsible for regulating foreign employment agencies and protecting Sri Lankan workers going abroad, developed a ranking system that would publicly grade all employment agencies based inter alia on the number of complaints the SLBFE receives relating to each agency, the number of legal cases against each, and the time each takes to resolve disputes with workers. This ranking system will be available on a website, but has not yet been finalized. The Attorney General began drafting a circular that would advise police to identify possible trafficking victims among women they detain for prostitution; this too has not yet been finalized. In collaboration with IOM, the police added a trafficking training module to the standard police curriculum used to train all new police recruits, as well as adding the curricula of two in-service police training institutes; so far, 520 police officers have received training on the new trafficking module.

Following the November 2007 repatriation of 118 Sri Lankan peacekeepers from Haiti because of accusations that some of them had engaged in sexual misconduct, including possible exploitation of children, a Sri Lankan military court found 23 officers and soldiers guilty of sexual misconduct and abuse of children. During the last year, two of the officers were forced out of the military and one soldier was discharged, while two other soldiers subsequently died in military action within Sri Lanka. Punishment for the remaining eight officers and ten soldiers has not yet been reported.

Protection

The government made some efforts to provide victims with necessary protection directly and ensure they received access to protective services provided by NGOs or international organizations. The government continued to provide limited counseling and day care for child victims of trafficking, through the operation of six resource centers run by the National Child Protection Authority (NCPA). In addition, the SLBFE runs an overnight shelter for international trafficking victims returning from overseas at Sri Lanka's only international airport. The Commissioner General for Rehabilitation, with the assistance of the NCPA, operated two rehabilitation centers specifically for children involved in armed conflict.

Although government personnel did not employ formal procedures for proactively identifying victims and referring them to service providers, some ad hoc referrals were made during the year. Police did not attempt to identify trafficking victims among 16 foreign women who were arrested on prostitution charges during the year; all were placed in detention until they could pay for their departure from Sri Lanka. The government provided no legal alternatives for the removal of foreign victims to countries where they may face hardship or retribution. Authorities encouraged victims to participate in investigations and prosecutions of trafficking offenders,

though sex trafficking victims rarely came forward to cooperate with police and prosecutors out of fear that doing so would damage their reputations. The slow pace of the Sri Lankan judicial system provided a strong disincentive to come forward. The government generally did not penalize victims of trafficking for unlawful acts committed as a direct result of their being trafficked, though some sex trafficking victims could have been penalized because the government failed to identify them among persons arrested for prostitution offenses. Victims who were employed abroad may seek assistance from the SLBFE. The SLBFE collected fees from registered workers who went abroad, which were used to run shelters abroad, as well as domestically at the international airport.

Prevention

The Sri Lankan government undertook modest efforts on trafficking prevention during the last year. The government conducted several trafficking awareness-raising activities, including the Women and Children's Bureau of the Police's sponsorship of a series of television docudramas that highlighted violence and crime against women and children, including the sex trafficking of Sri Lankan women and girls. The SLBFE launched an awareness campaign in October 2008 to inform the public of the dangers of using non-registered employment agencies. The Ministry of Foreign Employment Promotion and Welfare developed a National Policy on Migration and presented it to the parliament for consideration. Among other things, this policy seeks to better protect Sri Lankan workers abroad. The government continued plans started in 2007 to develop an inter-agency anti-trafficking task force, to be coordinated by the Secretary of the Ministry of Child Development and Women's Empowerment, though the task force has not yet been launched. The government showed some efforts to reduce demand for commercial sex acts during the year.